

IFW



PATENT

Attorney Docket No. A-71273-3/RMS/RMK

Dorsey File No. 463077-00239

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DESJARLAIS et al.

Serial No.: 10/611,399

Filing Date: July 1, 2003

For: *Dominant Negative Proteins and
Methods Thereof*

Examiner: To Be Assigned

Art Unit: 1646

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with sufficient postage with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on:

Date: October 29, 2004

Signed: Careyna Peralta
Careyna Peralta

**INFORMATION DISCLOSURE STATEMENT
AND
STATEMENT OF RELATEDNESS**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying Form PTO/SB/08A-B, Substitute for form PTO 1449. This application is a continuation in part of U.S. Application Serial No. 10/338,083, filed January 6, 2003 (pending). Applicant wishes to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/8A-B, Substitute for form PTO-1449, unmarked without an asterisk (*). Since copies

Serial No.: 10/611,399
Filing Date: July 1, 2003

of these references were provided either by Applicants or the Examiner, in accordance with 37 C.F.R. § 1.98(d), no copies of these references are enclosed.

Further, in accordance with 1273 Off. Gaz. Pat. Off. 1, 8/5/2003, no copies of U.S. patents and U.S. published applications are enclosed. Copies of all other references are enclosed.

With respect to patent applications, the applicants point out their duty under M.P.E.P. §2001.06(b) to disclose relevant patent applications of which they are aware. To this end, the applicants draw the Examiner's attention to the following patent applications:

1. U.S.S.N 10/888,748, filed July 9, 2004;
2. U.S.S.N 10/336,242, filed January 3, 2003;
3. U.S.S.N 10/794,751, filed March 5, 2004;
4. U.S.S.N 10/938,135, filed September 10, 2004;
5. U.S.S.N 10/944,473, filed September 16, 2004;
6. U.S.S.N 10/820,465, filed March 31, 2004;
7. An Application titled "Protein Based TNF-Alpha Variants for the Treatment of TNF-Alpha Related Disorders", filed on October 12, 2004; and
8. An Application titled "Novel Variants of CD40L Protein", filed on October 12, 2004.

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

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As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our File No. 463077-00239; Our Docket No. A-71273-3/RMS/RMK).

Please direct any calls in connection with this application to the undersigned at
(415) 781-1989.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: 10/29/04
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Robin M. Silva, Reg. No. 38,304

Customer Number: 32940

Attachments:
Form PTO/SB/08A-B, Substitute for form PTO 1449
Five (5) references

Substitute for form 1449/PTO
(Modified)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet **1** of **8**

Complete if Known

Application Number **10/611,399**
Filing Date **July 1, 2003**
First Named Inventor **DESJARLAIS et al.**
Art Unit **1646**
Examiner Name **To Be Assigned**
Attorney Docket Number **A-71273-3/RMS/RMK**

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	5,556,786	09-17-1996	Kere et al.	
	A2	5,573,924	11-12-1996	Beckmann et al.	
	A3	5,700,926	12-23-1997	Kere et al.	
	A4	6,017,729	01-25-2000	Anderson et al.	
	A5 *	6,188,965 B1	02-13-2001	Mayo et al.	
	A6 *	6,269,312 B1	07-31-2001	Mayo et al.	
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	A10 *	6,708,120 B1	03-16-2004	Mayo et al.	
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	A17 *	2002/0090648 A1	07-11-2002	Dahiyat et al.	
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	A19 *	2002/0110868 A1	08-15-2002	Dahiyat et al.	
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	A21 *	2003/0130827 A1	07-10-2003	Bentzien et al.	
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	A26 *	2004/0043430 A1	03-04-2004	Dahiyat et al.	
	A27 *	2004/0121363 A1	06-24-2004	Desjarlais et al.	
	A28 *	2004/0170602 A1	09-02-2004	Desjarlais et al.	

FOREIGN PATENT DOCUMENTS

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Examiner Signature	Date Considered
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<p>Substitute for form 1449A/PTO (Modified)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p>				Complete if Known	
				Application Number	10/611,399
				Filing Date	July 1, 2003
				First Named Inventor	DESJARLAIS et al.
				Art Unit	1646
				Examiner Name	To Be Assigned
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	B1 *	EP 0 974 111 B1	01-26-2000	California Institute of Technology		
	B2	WO 98/24895 A1	06-11-1998	Pharmacia & Upjohn		
	B3 *	WO 98/47089 A1	10-22-1998	California Institute of Technology		
	B4 *	WO 00/23564 A2	04-27-2000	Xencor, Inc.		
	B5	WO 00/49149 A1	08-24-2000	Kitamura	English Abstract	
	B6 *	WO 01/59066 A2, A3	08-16-2001	Xencor, Inc.		
	B7	WO 02/02641 A1	01-10-2002	Human Genome Sciences		
	B8	WO 02/092620 A2	11-21-2002	Amgen		
	B9 *	WO 03/014325 A2, A3	02-20-2003	Xencor		

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T ⁶
	C1	AGGARWAL, BB et al., "TNF Receptors," in Cytokine Reference, Oppenheim et al. Eds., Academic Press 2000, pp. 1619-1632				
	C2	ANDRE P, et al., "Platelet-derived CD40L: the switch-hitting player of cardiovascular disease." Circulation. 2002 Aug 20;106(8):896-9.				
	C3	ASHKENAZI A, et al., "Safety and antitumor activity of recombinant soluble Apo2 ligand." J Clin Invest. 1999 Jul;104(2):155-62.				
	C4	BARNES PJ. "Cytokine modulators as novel therapies for asthma." Annu Rev Pharmacol Toxicol. 2002;42:81-98.				
	C5	BODMER JL, et al., "Cysteine 230 is essential for the structure and activity of the cytotoxic ligand TRAIL. J Biol Chem. 2000 Jul 7;275(27):20632-7.				
	C6	BODMER JL, et al., "The molecular architecture of the TNF superfamily." Trends Biochem Sci. 2002 Jan;27(1):19-26.				
	C7	BOWMAN MR, et al., "The cloning of CD70 and its identification as the ligand for CD27." J Immunol. 1994 Feb 15;152(4):1756-61.				
	C8	CAPPELLO P, et al., "Death receptor ligands in tumors." J Immunother. 2002 Jan-Feb;25(1):1-15.				
	C9	CHA SS, et al., "2.8 A resolution crystal structure of human TRAIL, a cytokine with selective antitumor activity." Immunity. 1999 Aug;11(2):253-61.				
	C10	CHAN KF, et al., "Signaling by the TNF receptor superfamily and T cell homeostasis." Immunity. 2000 Oct;13(4):419-22.				
	C11	CHESS, L. "Blockade of the CD40L/CD40 Pathway," in Therapeutic Immunology 2nd, Austen, K.F. et al. Eds. Blackwell Sciences 2001 pp. 441-456				

Examiner Signature	Date Considered
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	C12	CHICHEPORTICHE Y, et al., "Proinflammatory activity of TWEAK on human dermal fibroblasts and synoviocytes: blocking and enhancing effects of anti-TWEAK monoclonal antibodies." Arthritis Res. 2002;4(2):126-33.			
	C13	CHICHEPORTICHE Y, et al., "TWEAK, a new secreted ligand in the tumor necrosis factor family that weakly induces apoptosis." J Biol Chem. 1997 Dec 19;272(51):32401-10.			
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	C15	CROW MK, et al., "Regulation of CD40 ligand expression in systemic lupus erythematosus." Curr Opin Rheumatol. 2001 Sep;13(5):361-9.			
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	C19	EMERY JG, et al., "Osteoprotegerin is a receptor for the cytotoxic ligand TRAIL." J Biol Chem. 1998 Jun 5;273(23):14363-7.			
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	C22	GOATER JJ, et al., "Efficacy of ex vivo OPG gene therapy in preventing wear debris induced osteolysis." J Orthop Res. 2002 Mar;20(2):169-73.			
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	C24	GRIFFITH TS, et al., "Functional analysis of TRAIL receptors using monoclonal antibodies." J Immunol. 1999 Mar 1;162(5):2597-605.			
	C25	GROOM J, et al., "Association of BAFF/BLyS overexpression and altered B cell differentiation with Sjogren's syndrome." J Clin Invest. 2002 Jan;109(1):59-68.			
	C26	GURNEY AL, et al., "Identification of a new member of the tumor necrosis factor family and its receptor, a human ortholog of mouse GITR." Curr Biol. 1999 Feb 25;9(4):215-8.			
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	C32	HINTZEN RQ, et al., "Engagement of CD27 with its ligand CD70 provides a second signal for T cell activation." J Immunol. 1995 Mar 15;154(6):2612-23.			
Examiner Signature		Date Considered			

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	C33	HOFBAUER LC, et al., "Receptor activator of nuclear factor-kappaB ligand and osteoprotegerin: potential implications for the pathogenesis and treatment of malignant bone diseases." Cancer. 2001 Aug 1;92(3):460-70.			
	C34	HOLLENBAUGH D, et al., "The human T cell antigen gp39, a member of the TNF gene family, is a ligand for the CD40 receptor: expression of a soluble form of gp39 with B cell co-stimulatory activity." EMBO J. 1992 Dec;11(12):4313-21. (Abstract)			
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	C36	HYMOWITZ SG, et al., "Triggering cell death: the crystal structure of Apo2L/TRAIL in a complex with death receptor 5." Mol Cell. 1999 Oct;4(4):563-71.			
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	C39	JO M, et al., "Apoptosis induced in normal human hepatocytes by tumor necrosis factor-related apoptosis-inducing ligand." Nat Med. 2000 May;6(5):564-7.			
	C40	JUNG G, et al., "Target cell-restricted triggering of the CD95 (APO-1/Fas) death receptor with bispecific antibody fragments." Cancer Res. 2001 Mar 1;61(5):1846-8.			
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	C42	KAPLAN MJ, et al., "TRAIL (Apo2 ligand) and TWEAK (Apo3 ligand) mediate CD4+ T cell killing of antigen-presenting macrophages." J Immunol. 2000 Mar 15;164(6):2897-904.			
	C43	KARPUSAS M, et al., "Crystal structure of extracellular human BAFF, a TNF family member that stimulates B lymphocytes." J Mol Biol. 2002 Feb 1;315(5):1145-54.			
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	C48	KUNIASU Y, et al., "Naturally anergic and suppressive CD25(+)CD4(+) T cells as a functionally and phenotypically distinct immunoregulatory T cell subpopulation." Int Immunol. 2000 Aug;12(8):1145-55.			
	C49	KWEON MN, et al., "CD40L in autoimmunity and mucosally induced tolerance." J Clin Invest. 2002 Jan;109(2):171-3.			
	C50	KWON B, et al., "Identification of a novel activation-inducible protein of the tumor necrosis factor receptor superfamily and its ligand." J Biol Chem. 1999 Mar 5;274(10):6056-61.			
	C51	LANE P. "Role of OX40 signals in coordinating CD4 T cell selection, migration, and cytokine differentiation in T helper (Th)1 and Th2 cells." J. Exp Med. 2000 Jan 17;191(2):201-6.			
	C52	LAWRENCE D, et al., "Differential hepatocyte toxicity of recombinant Apo2L/TRAIL versions." Nat Med. 2001 Apr;7(4):383-5.			

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Sheet	5	of	8	Attorney Docket Number	A-71273-3/RMS/RMK

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	C53	LITINSKIY MB, et al., "DCs induce CD40-independent immunoglobulin class switching through BlyS and APRIL." Nat Immunol. 2002 Sep;3(9):822-9.			
	C54	LIU Y, et al., "Crystal structure of sTALL-1 reveals a virus-like assembly of TNF family ligands." Cell. 2002 Feb 8;108(3):383-94.			
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	C56	LYNCH CN, et al., "TWEAK induces angiogenesis and proliferation of endothelial cells." J Biol Chem. 1999 Mar 26;274(13):8455-9.			
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	C58	MACPHERSON AJ, et al., "BlySful interactions between DCs and B cells." Nat Immunol. 2002 Sep;3(9):798-800.			
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	C66	MORENO E, et al., "Evolution of TNF signaling mechanisms: JNK-dependent apoptosis triggered by Eiger, the Drosophila homolog of the TNF superfamily." Curr Biol. 2002 Jul 23;12(14):1263-8.			
	C67	MURATA K, et al., "Impairment of antigen-presenting cell function in mice lacking expression of OX40 ligand." J Exp Med. 2000 Jan 17;191(2):365-74.			
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	C69	NAKAYAMA M, et al., "Multiple pathways of TWEAK-induced cell death." J Immunol. 2002 Jan 15;168(2):734-43.			
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Substitute for form 1449A/PTO (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/611,399
				Filing Date	July 1, 2003
				First Named Inventor	DESJARLAIS et al.
				Art Unit	1646
				Examiner Name	To Be Assigned
Sheet	6	of	8	Attorney Docket Number	A-71273-3/RMS/RMK

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	C94	SUDA T, et al., "Membrane Fas ligand kills human peripheral blood T lymphocytes, and soluble Fas ligand blocks the killing." J Exp Med. 1997 Dec 15;186(12):2045-50.			
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	C110	WHITESIDE TL. "Tumor-induced death of immune cells: its mechanisms and consequences." Semin Cancer Biol. 2002 Feb;12(1):43-50.			
	C111	WILEY SR, et al., "A novel TNF receptor family member binds TWEAK and is implicated in angiogenesis." Immunity. 2001 Nov;15(5):837-46.			
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	C114	YAN M, et al., "Two-amino acid molecular switch in an epithelial morphogen that regulates binding to two distinct receptors." Science. 2000 Oct 20;290(5491):523-7.		
	C115	YE Q, et al., "Modulation of LIGHT-HVEM costimulation prolongs cardiac allograft survival." J Exp Med. 2002 Mar 18;195(6):795-800.		
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	C117	YU G, et al., "APRIL and TALL-1 and receptors BCMA and TACI: system for regulating humoral immunity." Nat Immunol. 2000 Sep;1(3):252-6.		
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	C119	ZHANG J, et al., "Cutting edge: a role for B lymphocyte stimulator in systemic lupus erythematosus." J Immunol. 2001 Jan 1;166(1):6-10.		

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